IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18933 of 1994

Between:

1 E. Venkateswara Rao S/o.Chandraiah
r/o. H.No. 17-1-462/9/A r/o. Sankeswara Bazar, Saidabad, Hyderabad.
2 Smt V Kusumamba W/o. Late V V Deekshitulu
r/o. H.No. 17-1-462/9 r/o. Sankeswara Bazar, Saidabad, Hyderabad.
3 Mohd Azeezuddin Baksh S/o. Alla Baksh
r/o. H.No. 17-1-462/10 r/o. Sankeswara Bazar, Saidabad, Hyderabad.

..... PETITIONERS

AND

1 The Municipal Corporation of Hyderabad through its Commissioner, Tank Bund Road, Hyderabad.
2 The Assistant City Town Planner, Municipal Corporation of Hyderabad, Circle No.1 at Sardar Mahal, Charminar, Hyderabad.
3 The District Collector, Hyderabad District Station Road, Nampally, Hyderabad
4 The Revenue Divisional Officer, Hyderabad Division, Station Road, Nampally, Hyderabad.
5 The Mandal Revenue Officer, Charminar Mandal, at Charminar, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ or writs, order or direction, declaring the action of the respondents in dismantling the structures in the house property bearing Nos. 17-1-462/9/A, 17-1-462/9 and 17-1-462/10 belonging to

the Petitloners situated in Survey No. 63/2, Sankeswara Bazar, Saidabad, Hyderabad as illegal by declaring the action of the respondents in seeking to dispossess the petitioners from any part of the plotted area of the Petitioners which is subject matter of O P No. 653 of 1990 on the file of the Special Tribunal cum Chief Judge, City Civil Court, Hyderabad, as otherwise than due process of law, as illegal by further directing the respondents not to interfere with the possession of the Petitioners over the houses and the appurtaining land; award costs; and pass such other and further or orders as are deemed fit and proper in the circumstances of the case and in the interests of the justice of the case.

Counsel for the Petitioner:MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos.1 and 2 : Sri Ganta Rama Rao,S.C.,

Counsel for the Respondent Nos.3 to 5 : GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

O R D E R :-

Heard both sides.

The grievance of the petitioners is that without issuing any notices to them under Sections 6 and 7 of the Land Acquisition Act, the respondents are trying to dispossess them from their property.

A perusal of the counter-affidavit discloses that no notices were issued by the respondents to the petitioners.

In such event, it is expedient to dispose of the Writ Petition with a direction to respondents 3 and 4 to issue notices to the petitioners under the Land Encroachment Act or under any other law and take necessary further action in accordance with law. Till such time, the interim order granted by this Court earlier shall continue.

Accordingly, the Writ Petition is disposed of. No costs.

09-07-2004

prv

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund Road, Hyderabad.
2 The Assistant City Town Planner, Municipal Corporation of Hyderabad, Circle No.1 at Sardar Mahal, Charminar, Hyderabad.
3 The District Collector, Hyderabad District Station Road, Nampally, Hyderabad
4 The Revenue Divisional Officer, Hyderabad Division, Station Road, Nampally, Hyderabad.
5 The Mandal Revenue Officer, Charminar Mandal, at Charminar, Hyderabad.

6. 2 CD copies.

7. Two CCs to G.P. for Municipal Administration & Urban Development, High Court of A.P.,Hyderabad (O.U.T.)